

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ULKU ROWE,

Plaintiff,

-against-

GOOGLE LLC,

Defendant.

No. 1:19-cv-08655 (LGS)(GWG)

**SUPPLEMENTAL DECLARATION OF
SARA B. TOMEZSKO IN
OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT AND IN FURTHER
SUPPORT OF GOOGLE'S MOTION
FOR SUMMARY JUDGMENT**

I, SARA B. TOMEZSKO, declare:

1. I am admitted to the Bar of this Court, and an attorney with the firm of Paul Hastings LLP, counsel for Defendant Google LLC in this action. I make this supplemental declaration in opposition to Plaintiff's Motion for Partial Summary Judgment and In Further Support of Google's Motion for Summary Judgment. I have personal knowledge of the facts set forth in this supplemental declaration and could and would competently testify to them under oath if called as a witness.

2. The "snapshots" to which the Cara Greene Declaration (ECF 156) refers at ¶ 18 were produced by Google in discovery pursuant to this Court's order dated May 14, 2020 (ECF 39.) These snapshots identify the individuals holding L8 and L9 Engineering, Product Management, or Operations positions within Google Cloud at three distinct points of time in 2017, 2018 and 2019. There are 406 unique individuals in that list who held L8 and L9 Technical Director, Software Engineer, Application Engineer, and Product Management roles.

3. As counsel for Google in this matter, I have access to the metadata for documents produced by Google in the course of discovery. Metadata is stored in the ordinary course of discovery in Google's document review platform, Axcelerate. I have access to the document

database for this matter hosted by Axcelerate by virtue of my position as Google's counsel.

4. On December 24, 2021, I accessed the metadata for the document bates labeled GOOG-ROWE-P-00004556, submitted as Exhibit 51 to the Declaration of Maya S. Jumper In Opposition to Google's Motion for Summary Judgment and In Support of Plaintiff's Cross-Motion for Summary Judgment (ECF 160). The metadata indicates that the File Name is "Ulku_Rowe_bio_2019.docx" and the Creation Date is 25/04/2020 04:41 UTC.

5. On October 27, 2020 counsel for Plaintiff took the sworn deposition of Kevin Lucas. Attached to this declaration as **Exhibit 1** are true and correct copies of relevant excerpts of the deposition transcript of Mr. Lucas. A full version of this exhibit has previously been submitted to the Court with Defendant's Motion for Summary Judgment submission.

6. On October 29, 2020 counsel for Plaintiff took the sworn deposition of Will Grannis. Attached to this declaration as **Exhibit 2** are true and correct copies of relevant excerpts of the deposition transcript of Mr. Grannis. A full version of this exhibit has previously been submitted to the Court with Defendant's Motion for Summary Judgment submission.

7. On November 17, 2020 counsel for Plaintiff took the sworn deposition of Stuart Vardaman. Attached to this declaration as **Exhibit 3** are true and correct copies of relevant excerpts of the deposition transcript of Mr. Vardaman. A full version of this exhibit has previously been submitted to the Court with Defendant's Motion for Summary Judgment submission.

8. Attached to this declaration as **Exhibit 4** is a true and correct copy of an email chain dated May 11, 2018 through June 1, 2018 between Melissa Lawrence, Will Grannis, Brian Stevens, Rachel Quirk, and Diane Greene. This exhibit is the full version of the communication submitted by Plaintiff as Jumper Decl., Exh. 56. Upon information and belief, this document was kept in the normal course of business in Google's files and produced in this litigation bearing bates number GOOG-ROWE-00056473 through GOOG-ROWE-00056476.

9. Attached to this declaration as **Exhibit 5** is a true and correct copy of the relevant excerpt of [REDACTED] Hiring Packet. Upon information and belief, this document was kept in the normal course of business in Google's files and produced in this litigation bearing bates number GOOG-ROWE-00059393.

10. Attached to this declaration as **Exhibit 6** is a true and correct copy of an email chain dated December 13, 2017 through December 20, 2017 between Brian Stevens and Diane Greene. This exhibit is the full version of the excerpted communication submitted by Plaintiff as Jumper Decl., Exh. 64. Upon information and belief, this document was kept in the normal course of business in Google's files and produced in this litigation bearing bates number GOOG-ROWE-00058834 through GOOG-ROWE-00058837.

11. Attached to this declaration as **Exhibit 7** is a true and correct copy of the relevant excerpt of Tariq Shaukat's Executive Recruiting Weekly Meeting document. Upon information and belief, this document was kept in the normal course of business in Google's files and produced in this litigation bearing bates numbers GOOG-ROWE-00017722.RR through GOOG-ROWE-00017866.RR.

12. Attached to this declaration as **Exhibit 8** is a true and correct copy of the relevant excerpt of Ulku Rowe's candidate profile in Google's Thrive system. Upon information and belief, this document was kept in the normal course of business in Google's files and produced in this litigation bearing bates number GOOG-ROWE-00056272 through GOOG-ROWE-00056273.

13. Attached to this declaration as **Exhibit 9** is a true and correct copy of the relevant excerpts of Ulku Rowe's Hiring Packet. Upon information and belief, this document was kept in the normal course of business in Google's files and produced in this litigation bearing bates numbers GOOG-ROWE-00019097.R through GOOG-ROWE-00019146.R. A full version of this exhibit has previously been submitted to the Court with Defendant's Motion for Summary

Judgment submission.

14. Attached to this declaration as **Exhibit 10** is a true and correct copy of Google's Objections and Supplemental Responses to Plaintiff's Second Set of Interrogatories served in this litigation on November 4, 2020.

15. Attached to this declaration as **Exhibit 11** is a true and correct copy of Exhibit 64 marked during the October 27, 2020 deposition of Kevin Lucas, bearing bates number GOOG-ROWE-00053763.


16. Attached to this declaration as **Exhibit 12** is a true and correct copy of the relevant excerpts of Jonathan Donaldson's Hiring Packet. Upon information and belief, this document was kept in the normal course of business in Google's files and produced in this litigation bearing bates numbers GOOG-ROWE-00063093 and GOOG-ROWE-00063096. A full version of this exhibit has previously been submitted to the Court with Defendant's Motion for Summary Judgment submission.

17. Attached to this declaration as **Exhibit 13** is a true and correct copy of the relevant excerpts of Scott Penberthy's Hiring Packet. Upon information and belief, this document was kept in the normal course of business in Google's files and produced in this litigation bearing bates number GOOG-ROWE-00063516.

18. Attached to this declaration as **Exhibit 14** is a true and correct copy of the relevant excerpts of the Final Comparator Performance Data Spreadsheet sorted to show Scott Pemberthy data. Upon information and belief, this document was kept in the normal course of business in Google's files and produced in this litigation bearing bates number GOOG-ROWE-00078058_Confidential.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. I AM AWARE THAT IF ANY OF THE FOREGOING STATEMENTS MADE BY ME ARE FALSE, I AM SUBJECT TO PUNISHMENT.

Executed this 24th day of December, 2021, at Jersey City, New Jersey.


Sara B. Tomczko